NIGHMUTE TRADITIONAL COUNCIL
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CONSITUTION AND BYLAWS OF THE VILLAGE OF NIGHMUTE, ALASKA

PREAMBLE

We, a group of Yup'ik Eskimos have a common traditional, aboriginal bond of living together in Nightmute, State of Alaska, being sovereign Native people, in order to organize for the common good, to govern ourselves under our own laws and customs, to maintain and foster our tribal village culture, to protect our homeland and conserve its natural resources for the benefit and well being of future generations of Yup'ik Eskimos of the Native Community of Nightmute, do establish and adopt the following Constitution for the government, protection, and common welfare of the Village of Nightmute, Alaska and its members.

ARTICLE I. NATIVE COMMUNITY OF NIGHTMUTE

The name of our community shall be the Native Community of Nightmute (Hereinafter referred to as "Nightmute").

ARTICLE II. TERRITORY

The jurisdiction of Nightmute shall extend to:

A. The village town site;
B. All Alaska Native Claims Settlement Act lands transferred to Chinuruk, Inc.;
C. To all lands constituting the community of Nightmute, Alaska, as defined by federal law, and to such other lands as hereinafter may be added to Nightmute under any law of the United States of America or in any other manner; and
D. All traditional susitence lands used presently and in the past by the community of Nightmute, Alaska

ARTICLE III. MEMBERSHIP

SECTION 1. BASIC MEMBERSHIP:
The Nightmute Traditional Council (hereinafter referred to as "council") shall determine the basic membership roll of Nightmute.

SECTION 2. QUALIFICATIONS:
All children born to members, having a one-forth (1/4) degree of Alaska Yup'ik Eskimo and/or Indian blood, shall be eligible for membership in Nightmute.

SECTION 3. REGULATIONS OF MEMBERSHIP:
The council shall have the power to adopt laws governing the membership.

ARTICLE IV. RIGHTS OF MEMBERSHIP

Among the rights enjoyed by the members of Nightmute community are the following:

SECTION 1.
All members of Nightmute shall have the right to share in the natural resource of Nightmute.

SECTION 2.
The consent of the majority of Nightmute members over the age of eighteen (18) years shall be required prior to the sale, lease encumbrance or disposition of any Nightmute lands, interests in lands or other Nightmute assets, provided in ARTICLE VI. SECTION 2, herein.

SECTION 3.
Community members shall, in a respectful way, have the right to review and question the work of the council, including its records.

ARTICLE V. GOVERNING BODY: POWERS, COMPOSITION AND QUALIFICATIONS

SECTION 1. GOVERNING BODY:
The governing body of the Nightmute community shall be the council.

SECTION 2. COMPOSITION:
The council shall be composed of Nightmute members, the president, Vice president, secretary, treasurer, and three (3) other members, three (3) of whom shall be village members, elected at large by secret ballot of majority of eligible voters of Nightmute, vote in a council election.

SECTION 3. QUALIFICATION

A. Be eighteen (18) years of age or older;
B. Have resided within Nightmute, one (1) year before the election;
C. Be members of Nightmute.

ARTICLE VI. GOVERNMENTAL POWER OF NIGHTMUTE

SECTION 1. SCOPE OF POWER OF THE COUNCIL:
Except or otherwise provide in this Constitution, all powers of Nightmute shall be vested in the council.

A. To do all those things which were done in the past to assure the present and the future survival and development of Nightmute.

B. To seek ways of bringing together the best of Nightmute's traditions, culture, religion, subsistence economy and way of life, with the challenges of a rapidly changing situations, so as to insure the harmony and viability of Nightmute.

C. To represent and protect Nightmute and its members in all matters that concern the peace, safety, health and general welfare of Nightmute and its members.

D. With tribal membership consent, as provided in ARTICLE VI., SECTION 2, to do all things necessary to to protect, acquire, dispose of and manage Nightmute lands for the benefit of present and future generations of Nightmute.

E. To exercise such other powers as may be inherent in the sovereignty of Nightmute.

SECTION 2. POWERS OF THE COMMUNITY ASSEMBLED:

A. Assembled: The community shall be properly assemble when, upon due notice by the president or majority of the council, a quorum of seventy-five (75%) percent of the eligible voters meet in session for a stated purpose.

B. Community Vote: Whenever the community is properly assembled, and a quorum is present, any action taken within the scope of the powers indicated in part A, of this Article by majority vote of the eligible voters of the community voting, shall bind the community and the council even if the action repeals a previous action of the council.

ARTICLE VII. ELECTIONS

SECTION 1. VOTING QUALIFICATIONS:
Any member of Nightmute shall have the right to vote in any village election or meeting, providing that said member is at least eighteen (18) years of age at the time of the election of meeting and is a resident of Nightmute, or have resided in Nightmute at least thirty (30) days.

SECTION 2. SECRET BALLOT:
Members of the council and all other elected officials of Nightmute shall be chosen by secret ballot.

SECTION. 3. ELECTION LAW:
An election law shall be adopted by the council within six (6) months following the effective date of this Constitution, with amendments made as necessary.

SECTION 4. FIRST ELECTION:
The first regular election of officials under this Constitution shall be held as soon as possible but no longer than sixty (60) days after this Constitution is adopted. All terms of office shall be staggered years. All the council members elected will determine the years by using a form of lottery entry. The years that are determined will be two (2) members of one (1) year term, two (2) members for two (2) year terms, and three (3) members for three (3) year terms. All council members shall hold their offices until successors are duly elected and seated.

ARTICLE VII. RECALL, FORFEITURES, AND VACANCIES FROM OFFICE

SECTION 1. REMOVAL:
Any members of the council or duly elected officer of Nighmute shall be removed from office by a secret majority vote of the council upon determination by the council that the member is guilty of misconduct negatively reflection upon the dignity and integrity of the Nightmute people or government. Written procedures from the removal from office of any member of the council or the officer shall be adopted by the council as soon as possible but no later than sixty (60) days after the effective date of this Constitution.

SECTION 2. RECALL:
Upon receipt and filing with the Secretary/Treasurer of the council of a petition demanding the recall of any elected member of the council or officer, which petition shall be signed by at least seventy-five (75%) present of the eligible voters, election on the recall of the elected official.

SECTION 3. FORFEITURE:
If any member of the council should resign, or be absent from three (3) consecutive meetings without being excused by the council, said member shall automatically forfeit his/her office.

SECTION 4. VACANCY:
In the event of a vacancy of the membership on the council, for any cause, or an elected office, the unexpired term shall be filled by a qualified person appointed by majority vote of the council to fill the vacancy at the next meeting and said replacement shall serve the unexpired term office.

ARTICLE IX. BYLAWS:

SECTION 1. THE PRESIDENT:
The President of the council shall preside over all meetings of the council and of the community, exercising the usual duties of a chairman and any others delegated to him. The President is charged with general responsibilities for administration of the community and ordinance and resolutions.

SECTION 2. VICE PRESIDENT:
The duties of the Vice President, in the absence of a President, will be the same as those of a President.

SECTION 3. THE SECRETARY-TREASURER:
The Secretary-Treasurer shall act as a chairman in the event the President and the Vice President is absent from the village. He shall conduct all correspondence and keep a complete and accurate record of all business transactions of the community or of the council. He shall record all rules and regulations and ordinances in appropriate books for the information and guidance of the community members. He shall accept, receive, receipt for, preserve and safeguard all funds for which the council is responsible. He shall make a faithful record of such funds and shall report to the council all receipts and expenditures and the amount and nature of all funds in his possession or custody. He shall not pay out or authorize disbursement of any funds for which he is responsible except upon authorization of the council. The Secretary-Treasurer may be required of the council to give bond satisfactory to the council.

SECTION 4. THREE (3) COUNCIL MEMBERS:
The three (3) council members shall with their best ability be available to help the council as much as they can. They shall be a part of decision making and make an input on every decision if they are able to. They shall practice all of the offices in ARTICLE IX, SECTION 1, 2, AND 3 in case of removal, vacancy, and forfeiture of one of the President, Vice President, and Secretary-Treasurer.

SECTION 5. THE RECORDS:
All accounts, records, books and minutes of the community or council meeting shall be subject to examination by members of the community or the council, or the agents of the Federal or State Government having authorized business in the village.

ARTICLE X. QUALIFICATION OF OFFICERS

SECTION 1. No person may be a candidate for any elective office unless he/she has qualification of a voter

SECTION 2. No person who have been convicted of a felony may be a candidate for any elective office.

ARTICLE XI. MEETINGS

SECTION 1. The council shall meet in the first business day of the month at 7:00 pm, unless otherwise ordered by the council, and at such times as may be voted by the majority of the council.

SECTION 2. The president may call such other special meetings as he deem necessary by giving three (3) days notice to the membership of the council.

SECTION 3. THE QUORUM:
Four council members shall constitute a quorum for a council meeting, and for general community meetings, three-fourth (3/4) of the membership shall constitute a quorum.

SECTION 4. Careful and accurate record in the form of minutes shall be kept of all regular and special meetings of the council and preserved in the appropriate files of the council.

ARTICLE XII. RIGHTS OF MEMBERS

SECTION 1. All members of the village eighteen (18) years of age or over shall have the rights to vote in village meetings and elections.

SECTION 2. Members of the village shall have the right to speak and meet freely in peaceable way.

SECTION 3. Members of the village shall have equal chance to share in the benefits of the village.

ARTICLE XIII. RULE MAKING POWER

The council shall have power to make rules and regulations to carry out the provisions of the Constitution and Bylaws.

ARTICLE XIV. CONSTITUTION AMENDMENT

SECTION 1. This Constitution may be amended by a majority vote of the eligible voters of Nightmute, voting at an election called for that purpose by the council and in which at least seventy-five (75%) percent of those entitled to vote shall vote in such election.

ARTICLE XV. ADOPTION:

This Constitution, when adopted by a majority vote of the eligible voters of Nightmute, voting in an election called for the purpose by the council and in which at least seventy-five (75%) percent of the qualified voters case the ballots, shall be effective from the date of said approved.

ARTICLE XVI. SEVERABILITY

If any provision of this Constitution in the future be declared invalid by the court of competent jurisdiction, the invalid provision shall be served and the remaining provisions shall continue in full force and effect.

ARTICLE XVII. SAVING CLAUSE

All previous laws, ordnance and resolutions of the council shall remain not inconsistent with this Constitution.

CERTIFICATION

Pursuant to an election held in the 18th day of March 1993, by the native community of Nightmute, the foregoing Constitution of the Native community of Nightmute was submitted for adoption to the qualified voters of the community and was, on the 18th day of August, 1993, duly adopted by 83 votes for and 0 against, in an election in which at least seventy-five (75%) percent of the One hundred six (106) entitled to vote cast their ballots.

PRESIDENT, TRADITIONAL COUNCIL

SECRETARY/TREASURER